



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 21415-0005

In re patent application of:

Bronwyn Jean BATTERBSY *et al.*

Confirmation No.: 4713

Application No.: 09/856,859

Group Art Unit: 1639

Filed: September 6, 2001

Examiner: Dr. John Epperson

For: CARRIERS FOR COMBINATORIAL COMPOUND LIBRARIES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed April 1, 2003 (Paper No. 12), Applicants do not believe that any fees for an extension of time are required. In the event this is not correct, applicants request such extension of time and authorize the Commissioner to charge the undersigned's Deposit Account No. 08-1641.

Applicants traverse this supplemental requirement on the grounds that applicants were fully responsive to the requirement as it was set forth at page 6, paragraph 11 of the Restriction Requirement dated November 13, 2002. For example, the examiner wanted to know the shape, size and constituency of the carrier, and applicants stated that the elected species were spherical, were ceramic and had a diameter of 4 μ m. Applicants provided the level of detail exemplified by the examiner, and applicants would have been most appreciative if the examiner had expressly required in the November paper a more detailed election if one was so desired. Applicants now withdraw the previous species election and provide the following substitute species election with traverse:

1. Silica microspheres (see Example 3);
2. Fluorescein isothiocyanate (FITC) coupled to the silica microspheres using 3-aminopropyltrimethoxysilane (see Figure 7);
3. Fluorescent detection (see Examples 4 and 6);

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4. Having 2 attributes (see Examples 4 and 6);
5. Colloidal carriers (see Examples 3, 4 and 6); and
6. 4 μm diameter (See Example 3).

At least claims 15-19, 21-23 and 25-29 are readable on these species.

Applicants traverse this requirement on the grounds that the examiner has not permitted applicants to secure examination of a reasonable number of species, which is a requirement of 37 CFR § 1.146.

Applicants reserve the right to pursue non-elected subject matter in one or more divisional applications. Examination on the merits is awaited.

Respectfully submitted,

By

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